

HOUSE BILL 217

By Curcio

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 11, relative to bail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following language as a new section:

§ 40-11-153. Termination of monitoring services for failure to pay.

(a) Upon a defendant's failure to pay the costs associated with the use of a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device for ten (10) business days, the provider of the transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device may notify the court having jurisdiction over the defendant and the appropriate local government agency of the provider's intent to terminate monitoring services.

(b) If the defendant remains in default for an additional thirty (30) business days, the provider may terminate monitoring services.

(c) Before terminating monitoring services, the provider shall notify the court having jurisdiction over the defendant and the appropriate local government agency of the provider's termination of monitoring services.

SECTION 2. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (a) and substituting instead the following:

(a) "Bounty hunting" means a person acting as an agent of a professional bondsman who attempts to take or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is

contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works. "Bounty hunting" does not include the taking into custody of a person by a professional bondsman if the professional bondsman is arresting a person with whom the professional bondsman, or the company or surety for whom the professional bondsman acts as an approved agent, has contracted.

SECTION 3. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) The following persons are prohibited from serving as a bounty hunter in this state:

(A) A person who has been convicted of a felony in any state; or

(B) A person who has been convicted of two (2) or more Class A or Class B misdemeanors in this state, or equivalent offenses in any other state, within the past five (5) years.

(2) A violation of subdivision (b)(1) is a Class A misdemeanor.

SECTION 4. Tennessee Code Annotated, Section 40-11-401, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b) Each person acting as a bounty hunter pursuant to § 40-11-318, including a professional bondsman acting as a bounty hunter, must obtain eight (8) hours of continuing education credits during each twelve-month period beginning on January 1, 2022, and at least five (5) of the eight (8) hours must have a specific focus on bounty hunting.

SECTION 5. Tennessee Code Annotated, Section 40-11-133, is amended by adding the following language as a new subsection:

(e) A professional bondsman or the agent of a professional bondsman who is arresting a defendant pursuant to this section is prohibited from:

(1) Making a representation that the professional bondsman or the agent of the professional bondsman is a member of a law enforcement organization;

(2) Wearing clothing or a uniform intended to give the impression that the professional bondsman or the professional bondsman's agent is employed by, affiliated with, or acting in the capacity of a law enforcement organization; or

(3) Wearing clothing bearing an identifying title other than "Bail Bondsman".

SECTION 6. The heading to Section 1 in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee code commission is requested to include the heading in any compilation or publication containing this act.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.